

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:19-cv-229

SUSAN HYATT CALL, an Individual)
)
Plaintiff,)
)
v.)
)
NORTH CAROLINA FARM BUREAU)
MUTUAL INSURANCE COMPANY,)
)
Defendant/Third-Party Plaintiff,)
)
v.)
)
UNITED STATES DEPARTMENT OF)
AGRICULTURE, FARM SERVICE)
AGENCY (FSA),)
)
Third-Party Defendant.)

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO THE THIRD-PARTY COMPLAINT**

COMES NOW the United States of America on behalf of the named Third-Party Defendant federal agency, the United States Department of Agriculture, Farm Service Agency (“United States”), by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby moves the Court to extend the time to answer or otherwise respond to the Third-Party Complaint from August 2, 2019, until and including September 2, 2019. In support of this Motion, the United States shows the Court:

1. Plaintiff Susan Hyatt Call (“Plaintiff”) commenced this action by filing a Verified Complaint and Jury Demand in the Superior Court of Swain County, North Carolina, asserting

claims against Defendant North Carolina Farm Bureau Mutual Insurance Company (“Farm Bureau”).

2. On June 17, 2019, Defendant Farm Bureau filed a third-party complaint in the nature of an interpleader action in the state court action against the United States (the “Third-Party Complaint”). Plaintiff Call has not asserted any claims against the United States.

3. On July 26, 2019, the United States filed a notice of removal, removing the state court action to the Western District of North Carolina. *See Doc. 1.*

4. Under the Federal Rules of Civil Procedure, a defendant who did not answer or respond before removal must answer or present other defenses within the longest of several periods, including seven (7) days after the notice of removal is filed. *See Fed. R. Civ. P. 81(c)(2).*

5. The United States has not yet answered the Third-Party Complaint, and its answer is therefore due on or before August 2, 2019.

6. The United States requests a thirty (30) day extension of time, until and including Monday, September 2, 2019,¹ allow it to gather information necessary for the United States Attorney’s Office to respond to the Third-Party Complaint on behalf of the United States agency.

7. The undersigned has conferred with counsel for all parties in this action, including Defendant/Third-Party Plaintiff Farm Bureau (the only party to assert claims against the United States) and Plaintiff Susan Hyatt Call, and all parties have consented to this Motion.

WHEREFORE Third-Party Defendant the United States hereby moves the Court to extend the time to answer or otherwise respond to the Third-Party Complaint from from August 2, 2019, until and including September 2, 2019.

This the 30th day of July, 2019.

¹ Thirty days from August 2, 2019, falls on Sunday, September 1, 2019.

Respectfully submitted,

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